

Senate Bill 168

By: Senators Rogers of the 21st, Johnson of the 1st, Stephens of the 27th, Seabaugh of the 28th, Pearson of the 51st and others

AS PASSED

AN ACT

To amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, by designating an annual Bill Elliott Day in Georgia; to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to special license plates for certain persons and vehicles, so as to refine the method for administrative issuance of special license plates; to provide for allowing spouses of Medal of Honor winners to retain the special license plate; to restate conditions for issuance of disabled persons license plates and decals; to create license plates for motorcycles honoring a recipient of the Purple Heart, honoring police officers wounded in the line of duty, commemorating the Benevolent and Protective Order of Elks, honoring emergency medical services personnel, promoting historic preservation efforts, and identifying licensed Georgia physicians; to add an inscription on license plates for veterans awarded the Purple Heart; to provide for special license plates bearing the National Association for Stock Car Auto Racing (NASCAR) logo and promoting specific drivers or general motorsports; to provide for special license plates to promote 'Share the Road' messages for motorists and bicyclists and to benefit programs related to such motorists and bicyclists; to support the Governor's Highway Safety Program; to provide for issuance, renewal, fees, licensing agreements, applications, transfers, and disposition of funds relative to such license plates; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION .1.

Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, is amended by inserting a new Code Section 1-4-15, immediately following Code Section 1-4-14, relating to Home Education Week, to read as follows:

“1-4-15.

(a) The General Assembly finds that a Georgia family's proud tradition of racing began in Dawsonville, Georgia, under the tutelage and guiding hand of George Elliott. George's

young son Bill began to demonstrate at an early age a natural skill and competitive racing instinct at Dixie Speedway in Woodstock, and in 1976, at the tender age of 20, Bill Elliott entered his first Winston Cup race and launched a career that would span decades. Awesome Bill from Dawsonville, a modest, unassuming, and unpretentious man, has become a household name in NASCAR racing and has been selected Most Popular Driver an unprecedented 16 times, Georgia Professional Athlete of the Year twice, National Motorsports Driver of the Year 14 times, and in 1998, was inducted into the Georgia Sports Hall of Fame. It is virtually impossible to list all of the honors and awards Million Dollar Bill has garnered over his incandescent career, but perhaps his most acclaimed accomplishment is his support, love, and respect from racing fans. He has given unstintingly of his time, talents, energy, and financial resources to numerous charities including the Special Olympics, the M.D. Anderson Cancer Center, and the Make-A-Wish Foundation and it is abundantly fitting and proper that this extraordinary Georgian be recognized in a special and lasting manner.

(b) The members of the General Assembly commend Bill Elliott for his over 30 years of outstanding contributions to the sport of racing and designate October 8 of each year as Bill Elliott Day in Georgia.

SECTION 1.

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to special license plates for certain persons and vehicles, is amended by striking Code Section 40-2-60.1, relating to administrative issuance of special license plates, and inserting in its place a new Code section to read as follows:

40-2-60.1.

(a) The General Assembly finds that during recent years prior to and including 2005 there have been proposed and enacted numerous laws providing for the issuance of special license plates for certain persons and vehicles. The General Assembly finds that there exists a need for a standardized administrative process to provide for the authorization of issuance of such special license plates and that the public interest will be best served by such a standardized administrative process. While recognizing that the legislature may not abridge its powers, the General Assembly declares that it is in the public interest of this state for future proposals for special license plates to be governed by the administrative process established by this Code section rather than by the legislative process, except in any case where resulting revenue is to be directed to any recipient other than the general fund of the state treasury in which instance the legislative process shall be followed.

(b)(1) The commissioner is authorized to adopt rules and regulations for the issuance of special license plates for groups of individuals and vehicles. Such rules and regulations shall provide that no such special license plate shall be issued except upon the application of at least 1,000 persons. The rules and regulations shall provide for the manner of such applications. The rules and regulations shall provide that upon receipt of the requisite number of applications, a special license plate may be issued as provided in this Code section. All special license plates shall have an application period of two years after the receipt of the initial application for the payment of the manufacturing fee. After such time if the minimum number of applications is not met, the department shall not be required to continue to accept the manufacturing fee for that special license plate.

(2) The department shall not be required to continue to manufacture any special license plate when the number of active registrations falls below 500 registrations at any time during the period provided for in subsection (b) of Code Section 40-2-31. Current registrants may continue to renew such special license plate during their annual registration period. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the period provided for in subsection (b) of Code Section 40-2-31, the organization sponsoring the special license plate shall be required again to obtain 1,000 applications accompanied by the manufacturing fee.

(3) The rules and regulations may provide for exceptions whereby a special plate will not be issued if the issuance of the plate would adversely affect public safety. The rules and regulations shall provide for the design and manufacture of such special license plates and shall provide that such plates shall be readily recognizable as Georgia license plates through the adoption of a standard design containing a smaller space for the insertion of an appropriate logo or graphic identifying the special nature of the license plate. The logo or graphic shall be no larger than three inches by three inches and shall be placed to the left of the alphanumeric characters. The department shall not utilize any graphic that is copyrighted unless a sponsoring organization has secured for the state the authority to utilize the copyrighted design at no cost to the state and the sponsoring organization has agreed to hold the state harmless against any related claim of copyright violation or infringement. Subject to the foregoing provisions of this paragraph, the design of each special license plate shall be in the discretion of the commissioner.

(c) Any resident motor vehicle owner desiring a special license plate provided for in this Code section shall submit to the commissioner a completed application form for such plate

with a \$25.00 manufacturing fee in addition to the regular motor vehicle registration fee. Upon complying with the motor vehicle registration and licensing laws and the rules and regulations authorized in this Code section, a resident motor vehicle owner shall be issued a special license plate if the issuance of such plate is otherwise authorized under this Code section.

(d) Special license plates issued under this Code section shall be renewed annually with a revalidation decal, as provided in Code Section 40-2-31, upon payment of an additional \$25.00 annual registration fee which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. Special license plates issued under this Code section may be transferred between vehicles as provided in Code Section 40-2-80.

(e) The commissioner shall have the discretion to apply the provisions of this Code section to any special license plate provided for by any other law in existence on or becoming effective on January 1, 2006.

SECTION 2.

Said article is further amended by striking subsection (a) of Code Section 40-2-68, relating to special license plates for Medal of Honor winners, and inserting in its place the following:

(a) Motor vehicle owners who have been awarded the Medal of Honor and who are residents of this state, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, shall be issued two distinctive personalized license plates free of charge. Such license plates shall be fastened to both the front and the rear of the vehicle. Such license plates shall be transferred to another vehicle as provided in Code Section 40-2-80. In the event of the death of the person who received the special license plates pursuant to this Code section, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, his or her surviving spouse may retain the special license plates and continue to display such plates on the vehicle.

SECTION 3.

Said article is further amended by striking Code Section 40-2-74, relating to special license plates for persons with disabilities, and inserting in its place the following:

40-2-74.

(a) Any owner of a private passenger motor vehicle who is a resident of Georgia, upon complying with the motor vehicle laws relating to registration, licensing, and payment of fees and upon submitting an affidavit of a practitioner of the healing arts stating that the

owner or his or her spouse, child, or ward is a person with disabilities, as defined in paragraph (5) of Code Section 40-6-221, whose disability or incapacity can be expected to last for more than 180 days and stating the specific disability that limits or impairs the ability to walk, shall be issued a specially designated disabled person's license plate from the commissioner. As used in this Code section, the term 'practitioner of the healing arts' means a person holding a license to practice medicine, podiatric medicine, or chiropractic issued pursuant to Article 2 of Chapter 34 of Title 43, Chapter 35 of Title 43, or Chapter 9 of Title 43, respectively.

(b) A hearing impaired person otherwise qualified under this subsection shall be eligible to have issued to him or her a specially designated disabled person's license plate in accordance with this Code section. As used in this Code section, 'hearing impaired person' shall have the same meaning as defined in Code Section 24-9-101, except that the term 'hearing impaired person' shall not include any person who is not qualified for a driver's license pursuant to Code Section 40-5-35, relating to reports by physicians and vision specialists in connection with the issuance or revocation of drivers' licenses, as now or hereafter amended. For purposes of this subsection, presentation of an identification card for persons with disabilities issued pursuant to Article 8 of Chapter 5 of this title shall constitute proof of hearing impairment.

(c) Upon complying with the motor vehicle laws relating to registration, licensing, and payment of fees and upon submission of proof of disability as provided in subsection (a) of this Code section, as applicable:

- (1) Any resident person who is the joint owner of a motor vehicle with a disabled person as prescribed in this Code section shall be authorized to obtain such specialized plates for such jointly owned vehicle; and
- (2) Any resident motor vehicle owner who is the spouse, parent, or legal guardian of a person who is disabled as prescribed in this Code section shall be authorized to obtain such specialized plates for such vehicle.

Upon the death of the disabled person or if the joint ownership of such vehicle ceases for any reason, the specialized license plate shall be canceled and the owner of such motor vehicle shall be issued a regular license plate for such vehicle.

(d) The commissioner is directed to furnish such license plates as provided for in this Code section, which shall bear the official international wheelchair symbol or a reasonable facsimile thereof, or such other symbols as the commissioner may deem appropriate.

(e) Any license plate issued pursuant to the provisions of this Code section shall be transferred to another vehicle as provided in Code Section 40-2-80.

- (f) Any person who is not a disabled person as prescribed in this Code section or a person otherwise entitled to obtain such special license plates and who willfully and falsely represents himself or herself as having the qualifications to obtain the special plates prescribed by this Code section shall be guilty of a misdemeanor.
- (g) Any practitioner of the healing arts who knowingly and willfully makes a false or misleading statement in his or her affidavit stating that an applicant is a disabled person as prescribed in this Code section shall be guilty of a misdemeanor.
- (h) Any person owning a vehicle bearing the special plates and not entitled to do so under this Code section shall be guilty of a misdemeanor.

SECTION 4.

Said article is further amended by inserting a new Code Section 40-2-74.1 immediately following Code Section 40-2-74, relating to special license plates for persons with disabilities, to read as follows:

40-2-74.1.

- (a) Any person meeting the requirements for a disabled person s license plate as provided for in Code Section 40-2-74 may obtain a special decal to be placed on any vehicle owned by such person in lieu of a disabled person s license plate. The cost of the decal shall be \$5.00 and the county tag agent is authorized to retain a \$1.00 processing fee.
- (b)(1) The commissioner shall design a special disabled person s decal to be placed on the rear windshield of a private passenger vehicle.
- (2) The special disabled person s decal shall be so constructed that it will adhere to the inside of the rear window of the vehicle and when removed will self-destruct.
- (3) The special disabled person s decal shall have a place to write the month and year of expiration and shall expire at the end of the month in the fourth year from the date of issue.
- (4) The decal shall be placed in the bottom left of the rear window so not to obscure the view of the driver to indicate that the owner has met the requirements to park in a parking space designated for a disabled person as provided for in Part 2 of Article 10 of Chapter 6 of this title.
- (c) Any person who is not a disabled person as prescribed in Code Section 40-2-74 and who willfully and falsely represents himself or herself as having the qualifications to obtain a special disabled person s decal shall be guilty of a misdemeanor.
- (d) Any person who acquires a special disabled person s decal who is not entitled to do so under this Code section shall be guilty of a misdemeanor.

SECTION 5.

Said article is further amended by striking Code Section 40-2-84, relating to license plates for veterans awarded the Purple Heart, and inserting in its place the following:

40-2-84.

(a) Motor vehicle or motorcycle owners who are veterans of the armed forces of the United States who have been awarded the Purple Heart citation shall be eligible to receive a special and distinctive vehicle license plate for a private passenger car, motorcycle, or truck used for personal transportation, provided that the requisite number of applications are received by the commissioner as provided in subsection (b) of this Code section. Such license plate shall be issued in compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles as prescribed in Article 2 of this chapter.

(b) A veteran who qualifies for the special and distinctive license plate pursuant to subsection (a) of this Code section shall make application therefor with the commissioner and include the requisite fee. Said applicant may apply for and be limited to not more than one free license plate at a time; provided, however, that upon payment of the regular license fee provided for in Code Section 40-2-151 and payment of the manufacturing fee provided for in this Code section, a veteran may obtain an additional such license plate. The commissioner shall retain all applications received for such special and distinctive license plate until a minimum of 250 applications have been received. After receipt of 250 applications for such distinctive license plate, the commissioner shall design a distinctive license plate as provided in subsection (c) of this Code section and issue the distinctive license plates to present and future qualifying applicants. If the commissioner does not receive the required minimum 250 applications no later than July 31 of the year preceding the year of issuance of such plates, the commissioner shall not accept any applications for nor issue such distinctive license plates and all fees shall be refunded to applicants. The commissioner shall promulgate such rules and regulations as may be necessary to enforce compliance with all state license laws relating to the use and operation of private passenger cars, motorcycles, and trucks before issuing these license plates in lieu of the regular Georgia license plates. The manufacturing fee for each additional special and distinctive license plate shall be \$25.00. The commissioner is specifically authorized to promulgate all rules and regulations necessary to ensure compliance in instances where such vehicles have been transferred or sold. Except as provided in subsection (d) of this Code section, such plates shall be nontransferable.

(c) The special and distinctive vehicle license plates shall be as prescribed in Article 2 of this chapter for private passenger cars, motorcycles, or trucks used for personal

transportation. Additional words or symbols, in addition to the numbers and letters prescribed by law, shall be inscribed upon such license plates so as to identify distinctively the owner as a Purple Heart recipient. For any redesigned plates issued on or after January 1, 2006, such inscription shall include the designation 'Combat Wounded.'

(d) The license plate issued pursuant to this Code section shall be transferred between vehicles as provided in Code Section 40-2-80. The spouse of a deceased veteran of the armed forces of the United States who was awarded the Purple Heart citation shall continue to be eligible to be issued a distinctive personalized license plate as provided in this Code section for any vehicle owned by such veteran ownership of which is transferred to the surviving spouse or for any other vehicle owned by such surviving spouse either at the time of the qualifying veteran's death or acquired thereafter, so long as such person does not remarry.

(e) For each additional special license plate issued under this Code section there shall be an additional \$25.00 annual registration fee which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34.

SECTION 6.

Said article is further amended by adding new Code Sections 40-2-86.10 through 40-2-86.15 to read as follows:

40-2-86.10.

(a) Motor vehicle owners who are or formerly were police officers who were wounded in the line of duty as a police officer shall be eligible to receive a special and distinctive vehicle license plate for a private passenger car or truck used for personal transportation, provided that the requisite number of applications are received by the commissioner as provided in subsection (b) of this Code section. Such license plate shall be issued in compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles as prescribed in Article 2 of this chapter. The commissioner shall be authorized to promulgate rules and regulations to determine the eligibility of such persons for such special and distinctive license plates.

(b) A person who qualifies for the special and distinctive license plate pursuant to subsection (a) of this Code section shall make application therefor with the commissioner and include the requisite fee. Said applicant, upon payment of the regular license fee provided for in Code Section 40-2-151 and payment of the manufacturing fee provided for in this Code section, may apply for and be limited to not more than one such special and

distinctive license plate. The commissioner shall retain all applications received for such distinctive license plate until a minimum of 1,000 applications have been received. After receipt of 1,000 applications for such distinctive license plate, the commissioner shall design a distinctive license plate as provided in subsection (c) of this Code section and issue the distinctive license plates to present and future qualifying applicants. The distinctive license plate shall have an application period of two years after January 1, 2006, for payment of the manufacturing fee. After such time if the minimum number of applications is not met, the department shall not continue to accept the manufacturing fee, and all fees shall be refunded to applicants. The department shall not be required to continue to manufacture the distinctive license plate if the number of active registrations falls below 500 registrations at any time during the period as provided in subsection (b) of Code Section 40-2-31. A current registrant may continue to renew such special license plate during his or her annual registration period upon payment of an additional \$25.00 annual special tag fee which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the period as provided in subsection (b) of Code Section 40-2-31, the department must receive 1,000 applications accompanied by the manufacturing fee to continue to manufacture the license plate. The commissioner shall promulgate such rules and regulations as may be necessary to enforce compliance with all state license laws relating to the use and operation of private passenger cars and trucks and boat trailers before issuing these license plates in lieu of the regular Georgia license plates. The manufacturing fee for each additional special and distinctive license plate shall be \$25.00. The commissioner is specifically authorized to promulgate all rules and regulations necessary to ensure compliance in instances where such vehicles have been transferred or sold. Except as provided in subsection (d) of this Code section, such plates shall be nontransferable.

(c) The special and distinctive vehicle license plates shall be as prescribed in Article 2 of this chapter for private passenger cars or trucks used for personal transportation. Additional words or symbols, in addition to the numbers and letters prescribed by law, shall be inscribed upon such license plates so as to identify distinctively the owner as a police officer who was wounded in the line of duty.

(d) The license plate issued pursuant to this Code section shall be transferred between vehicles as provided in Code Section 40-2-80. The spouse of a person who qualifies for

such special and distinctive license plate under subsection (a) of this Code section shall continue to be eligible to be issued a distinctive personalized license plate as provided in this Code section for any vehicle owned by such person ownership of which is transferred to the surviving spouse or for any other vehicle owned by such surviving spouse either at the time of the qualifying person's death or acquired thereafter, so long as such person does not remarry.

(e) For each special license plate issued under this Code section there shall be an additional \$25.00 annual registration fee which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34.

(f) For the purposes of this Code section, the term 'police officer' shall mean any law enforcement officer charged with the duty of enforcing the criminal laws and ordinances of this state, any other state, or the United States or of the counties or municipalities of this state or any other state who is employed by and compensated by the United States, the state, or any county or municipality of the state. The term shall include, but not be limited to, municipal police, county police, sheriffs, deputy sheriffs, wardens, guards, agents of the Georgia Bureau of Investigation, members of the uniform division of the Department of Public Safety, agents and investigators of the State Forestry Commission, conservation rangers of the Department of Natural Resources, agents of the Department of Revenue, agents of the Federal Bureau of Investigation, agents of the federal Drug Enforcement Administration, and agents of the federal Secret Service.

40-2-86.11.

(a) There shall be issued beginning in 2006 special and distinctive vehicle license plates commemorating the Benevolent and Protective Order of Elks for its contributions to Georgians through programs dedicated to our youth such as 'Hoop Shoot,' 'Soccer Shoot,' 'Drug Awareness and Prevention,' and youth scholarship contests; our veterans in local VA hospitals; the Elks major state project, 'Elks Aidmore Children's Center,' a home for disadvantaged youth of Georgia; and the many contributions made by local Elks lodges across the state, subject to the conditions set forth in this Code section.

(b) The commissioner, in cooperation with the Benevolent and Protective Order of Elks, shall design special distinctive license plates to commemorate the Benevolent and Protective Order of Elks. The license plates must be of the same size as general issue motor vehicle license plates and shall include a unique design and identifying number, whereby the total number of characters does not exceed six. No two recipients shall

receive identically numbered plates. The graphic on the special license plate shall be placed to the left of the alphanumeric characters and shall be no larger than three inches by three inches. Such design shall not provide space in which to indicate the name of the county of issuance. The organization may request the assignment of the first of 100 in a series of license plates upon payment of an additional initial registration fee of \$25.00 for each license plate requested.

(c) Notwithstanding the foregoing provisions of this Code section, this Code section shall not be implemented until such time as the State of Georgia has, through a licensing agreement or otherwise and at no cost to the state, received such licenses or other permissions as may be required for the use of the Benevolent and Protective Order of Elks logo or as may otherwise be necessary or appropriate to implement this Code section. No royalty, license fee, or other moneys shall be paid to any organization or its licensor for the use by the state of such logo or design on license plates authorized by this Code section. The commissioner may charge fees, take other actions, and agree to or impose terms and conditions which might normally be envisioned in licensing and cross-licensing agreements for the use of designs and similar intellectual property. Without limitation, the commissioner may agree to allow to others the exclusive or nonexclusive use of the design of the special license plate. The design of the special license plate, excepting only the Benevolent and Protective Order of Elks logo and any other part of the design owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner. The commissioner may take such steps as may be necessary to give notice of and protect such right, including the copyright. However, such steps shall be cumulative of the ownership and exclusive use and control established by this subsection as a matter of law and no person shall reproduce or otherwise use such design, except as authorized by the commissioner.

(d) Beginning in calendar year 2006, any Georgia resident who is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular motor vehicle registration fee shall be issued a license plate commemorating the Benevolent and Protective Order of Elks. Revalidation decals shall be issued for such license plates in the same manner as provided for general issue license plates.

(e) An applicant may request a license plate commemorating the Benevolent and Protective Order of Elks at any time during the applicant's registration period. If such a

license plate is to replace a current valid license plate, such license plate shall be issued with appropriate decals attached.

(f) No special license plate authorized pursuant to this Code section shall be issued except upon the receipt by the department of at least 1,000 applications. The special license plate shall have an application period of two years after January 1, 2006, for payment of the manufacturing fee. After such time if the minimum number of applications is not met, the department shall not continue to accept the manufacturing fee, and all fees shall be refunded to applicants.

(g) The department shall not be required to continue to manufacture the special license plate if the number of active registrations falls below 500 registrations at any time during the period as provided in subsection (b) of Code Section 40-2-31. A current registrant may continue to renew such special license plate during his or her annual registration period upon payment of an additional \$25.00 annual special tag fee which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the period as provided in subsection (b) of Code Section 40-2-31, the department must receive 1,000 applications accompanied by the manufacturing fee to continue to manufacture the license plate.

(h) Benevolent and Protective Order of Elks license plates shall be transferred from one vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80.

(i) Benevolent and Protective Order of Elks license plates shall be issued within 30 days of application once the requirements of this Code section have been met.

40-2-86.12.

(a) The commissioner, in cooperation with licensed emergency services personnel in Georgia, and in order to promote and honor these individuals, shall design a special license plate to be issued displaying the National Highway Traffic Safety Administration's EMS Star of Life Symbol and the initials 'EMS.' The license plates must be of the same size as general issue motor vehicle license plates and shall include a unique design and identifying number, whereby the total number of characters does not exceed six. It shall not be a requirement that a county name decal shall be fixed and displayed on license plates issued under this Code section.

(b) Notwithstanding the foregoing provisions of this Code section, this Code section shall not be implemented until such time as the State of Georgia has, through a licensing agreement or otherwise, received such licenses or other permissions as may be required to implement this Code section. The design of the initial edition of the emergency medical services license plates, as well as the design of subsequent editions and excepting only any part or parts of the designs owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner. The commissioner may take such steps as may be necessary to give notice of and protect such right, including the copyright or copyrights. However, such steps shall be cumulative of the ownership and exclusive use and control established by this subsection as a matter of law, and no person shall reproduce or otherwise use such design or designs, except as authorized by the commissioner.

(c) Beginning in calendar year 2006, any Georgia resident who is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, and provides proof of certification or licensure by the State of Georgia as an emergency medical technician, paramedic, or owner of a licensed ambulance service in the State of Georgia, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of a fee of \$25.00 in addition to the regular motor vehicle registration fee, shall be issued an emergency medical services license plate. Special license plates issued under this Code section shall be renewed annually with a revalidation decal as provided in Code Section 40-2-31 upon payment of an additional \$25.00 annual registration fee, which fee shall be collected by the county tag agent at the time of collection of other registration fees and remitted to the state as provided in Code Section 40-2-34.

(d) A qualified applicant may request an emergency medical services license plate any time during the applicant's registration period. If such a license plate is to replace a current valid license plate, the emergency medical services license plate shall be issued with appropriate decals attached.

(e) No special license plate authorized pursuant to this Code section shall be issued except upon the receipt of at least 1,000 applications. The special license plate shall have an application period of two years after January 1, 2006, for payment of the manufacturing fee. After such time if the minimum number of applications is not met, the department shall not continue to accept the manufacturing fee, and all fees shall be refunded to applicants.

(f) The department shall not be required to continue to manufacture the special license plate if the number of active registrations falls below 500 registrations at any time during the period as provided in subsection (b) of Code Section 40-2-31. A current registrant may continue to renew such special license plate during his or her annual registration period upon payment of an additional \$25.00 annual special tag fee, which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the period as provided in subsection (b) of Code Section 40-2-31, manufacture of the license plates shall not be continued until the commissioner receives 1,000 applications.

(g) Emergency medical services license plates shall be transferred from one vehicle to another vehicle in accordance with the provisions of Code Section 40-2-42.

(h) Emergency medical services license plates shall be issued within 30 days of application.

40-2-86.13.

(a) In order to promote and financially provide for historic preservation efforts in Georgia, there shall be issued beginning January 1, 2006, special license plates promoting such efforts.

(b) The Division of Historic Preservation of the Department of Natural Resources shall design special distinctive license plates appropriate to promote historic preservation efforts in Georgia. Such license plates must be of the same size as general issue motor vehicle license plates and shall include a unique design and identifying number, whereby the total characters do not exceed the sum of six. No two recipients shall receive identically numbered plates. Such design shall not provide space in which to indicate the name of the county of issuance.

(c) The design of the initial edition of the special historic preservation license plate, as well as the design of subsequent editions and excepting only any part or parts of the designs which may be owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner. The commissioner may take such steps as may be necessary to give notice of and protect such right, including the copyright or copyrights. However, such steps shall be cumulative of the ownership and exclusive use and control established by this

subsection as a matter of law, and no person shall reproduce or otherwise use such design or designs, except as authorized by the commissioner.

(d) Beginning on January 1, 2006, any Georgia resident who is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of a fee of not more than \$25.00 in addition to the regular motor vehicle registration fee, may be issued a historic preservation license plate. Revalidation decals shall be issued for historic preservation license plates in the same manner as provided for general issue license plates upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of a fee of not more than \$25.00 in addition to the regular motor vehicle registration fee.

(e) The funds derived from the sale and revalidation of historic preservation license plates, less a \$1.00 processing fee, which shall be granted to county tag offices per plate sold, and less the actual manufacturing cost of the plates, shall be deposited in the general fund of the state treasury. As soon as practicable after December 31 of each year, the commissioner shall report the net amount derived from the sale of historic preservation license plates to the Office of Planning and Budget and the Division of Historic Preservation of the Department of Natural Resources. Subject to the appropriations process, it is the intent of the General Assembly that the General Assembly appropriate an amount equal to the net proceeds from the sale of such license plates to the Department of Natural Resources for use by the Historic Preservation Division to fund historic preservation programs in the state through the Georgia historic preservation grant program as otherwise authorized by law.

(f) No special license plate authorized pursuant to this Code section shall be issued except upon the receipt by the department of at least 1,000 applications. The special license plate shall have an application period of two years after January 1, 2006, for payment of the manufacturing fee. After such time if the minimum number of applications is not met, the department shall not continue to accept the manufacturing fee, and all fees shall be refunded to applicants.

(g) The department shall not be required to continue to manufacture the special license plate if the number of active registrations falls below 500 registrations at any time during the period as provided in subsection (b) of Code Section 40-2-31. A current registrant may continue to renew such special license plate during his or her annual registration period upon payment of an additional \$25.00 annual special tag fee which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be

remitted to the state as provided in Code Section 40-2-34. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the period as provided in subsection (b) of Code Section 40-2-31, the department must receive 1,000 applications accompanied by the manufacturing fee to continue to manufacture the license plate.

(h) An applicant may request a historic preservation license plate any time during the applicant's registration period. If a historic preservation license plate is to replace a current valid license plate, the department shall issue the historic preservation license plate with appropriate decals attached. When an applicant requests a historic preservation license plate at the beginning of the registration period, the applicant shall pay the tax together with all applicable fees.

(i) Historic preservation license plates shall be transferred from one vehicle to another vehicle in accordance with the provisions of Code Section 40-2-42.

(j) Historic preservation license plates shall be issued within 30 days of application.

(k) The Department of Natural Resources shall submit a report to the chairpersons of the Senate Natural Resources and the Environment Committee and House Natural Resources and Environment Committee detailing the receipt and expenditure of all appropriated funds and all funds received from the sale of historic preservation license plates as provided by this Code section to promote historic preservation. Such report shall be made not later than the second Monday of January of each year.

40-2-86.14.

(a) There shall be issued beginning in 2006 special and distinctive vehicle license plates identifying licensed Georgia physicians, subject to the conditions set forth in this Code section.

(b) The commissioner shall design special distinctive license plates identifying licensed Georgia physicians. The license plates must be of the same size as general issue motor vehicle license plates and shall include a unique design and identifying number, whereby the total number of characters does not exceed six. No two recipients shall receive identically numbered plates. The license plate will contain the words 'Licensed Georgia Physician' in the space normally containing the county of issuance. Such design shall not provide space in which to indicate the name of the county of issuance. The graphic on the special license plate shall be placed to the left of the alphanumeric characters and shall be no larger than three inches by three inches.

(c) Notwithstanding the foregoing provisions of this Code section, this Code section shall not be implemented until such time as the State of Georgia has, through a licensing agreement or otherwise and at no cost to the state, received such licenses or other permissions as may be required for the use of any logo or as may otherwise be necessary or appropriate to implement this Code section. No royalty, license fee, or other moneys shall be paid to any organization or its licensor for the use by the state of such logo or design on license plates authorized by this Code section. The commissioner may charge fees, take other actions, and agree to or impose terms and conditions which might normally be envisioned in licensing and cross-licensing agreements for the use of designs and similar intellectual property. Without limitation, the commissioner may agree to allow to others the exclusive or nonexclusive use of the design of the special license plate. The design of the special license plate, excepting only any part of the design owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner. The commissioner may take such steps as may be necessary to give notice of and protect such right, including the copyright. However, such steps shall be cumulative of the ownership and exclusive use and control established by this subsection as a matter of law and no person shall reproduce or otherwise use such design, except as authorized by the commissioner.

(d) Beginning in calendar year 2006, any qualified Georgia resident who shows proof that he or she is a licensed Georgia physician and is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular motor vehicle registration fee shall be issued a license plate identifying him or her as a licensed Georgia physician. Revalidation decals shall be issued for such license plates in the same manner as provided for general issue license plates.

(e) An applicant may request a license plate identifying him or her as a licensed Georgia physician at any time during the applicant's registration period. If such a license plate is to replace a current valid license plate, such license plate shall be issued with appropriate decals attached.

(f) No special license plate authorized pursuant to this Code section shall be issued except upon the receipt by the department of at least 1,000 applications. The special license plate shall have an application period of two years after January 1, 2006, for payment of the manufacturing fee. After such time if the minimum number of applications is not met, the

department shall not continue to accept the manufacturing fee, and all fees shall be refunded to applicants.

(g) The department shall not be required to continue to manufacture the special license plate if the number of active registrations falls below 500 registrations at any time during the period as provided in subsection (b) of Code Section 40-2-31. A current registrant may continue to renew such special license plate during his or her annual registration period upon payment of an additional \$25.00 annual special tag fee which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the period as provided in subsection (b) of Code Section 40-2-31, the department must receive 1,000 applications accompanied by the manufacturing fee to continue to manufacture the license plate.

(h) License plates identifying licensed Georgia physicians shall be transferred from one vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80.

(i) License plates identifying licensed Georgia physicians shall be issued within 30 days of application once the requirements of this Code section have been met.

40-2-86.15.

(a) In order to promote the Governor's Highway Safety Program, there shall be issued beginning January 1, 2006, special license plates bearing the NASCAR logo with a specific driver or general motorsports theme, subject to the conditions set forth in this Code section. Also, in order to promote and provide for motorist and bicyclist safety and interaction education and awareness programs and media campaigns; adult and child bicycling safety training, workshops, and educational materials; assistance in forming local bicycle advisory committees; law enforcement education and implementation programs for policing by bicycle and policing to improve bicycling conditions; and 'share the road/yield to bicycles/bicyclists may use full lane' sign installations through the Governor's Highway Safety Program, there shall be issued beginning January 1, 2006, special license plates promoting and benefiting such efforts, which shall be known as the 'Share the Road' Motorists and Bicyclists special license plate.

(b) Notwithstanding the provisions of Code Section 40-2-4, for the NASCAR plates, the supplier of the plates, as designated by NASCAR, in consultation with the commissioner shall design special distinctive license plates bearing the NASCAR logo with a specific

driver or general motorsports theme. For the 'Share the Road' plates, the commissioner shall design a special distinctive license plate in conjunction with the Southern Bicycle League and Bicycle Ride Across Georgia appropriate to promote the message of motorists and bicyclists safely and courteously sharing the roadway. The license plates shall be of the same size as general issue motor vehicle license plates and shall include a unique design and identifying number, whereby the total number of characters does not exceed six. No two recipients shall receive identically numbered plates. The graphic on the special license plates shall be placed to the left of the alphanumeric characters and shall be no larger than three inches by three inches. Such design shall not provide space in which to indicate the name of the county of issuance.

(c) Notwithstanding the provisions of subsection (b) of this Code section, this Code section shall not be implemented until such time as the State of Georgia has, through a licensing agreement or otherwise, received any licenses or other permissions that may be required to implement this Code section. The design of the initial edition of the license plates, as well as the design of subsequent editions and excepting only any part or parts of the designs owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner. The commissioner may take such steps as may be necessary to give notice of and protect such right, including the copyright or copyrights. However, such steps shall be cumulative of the ownership and exclusive use and control established by this subsection as a matter of law, and no person shall reproduce or otherwise use such design or designs, except as authorized by the commissioner.

(d) Beginning in calendar year 2006, any Georgia resident who is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular motor vehicle registration fee shall be issued a license plate promoting NASCAR or promoting bicycle safety and sharing the roadway. Revalidation decals shall be issued for such license plates in the same manner as provided for general issue license plates.

(e)(1) From the additional \$25.00 fee charged for the issuance and renewal of the NASCAR license plates authorized under this Code section, \$10.25 shall be used by the department for purchasing plates from the supplier of the plates, as designated by NASCAR, and royalty costs, and \$14.75 shall be paid to the general fund of the state treasury with the intent of supporting the Governor's Highway Safety Program. From the additional \$25.00 fee charged for the issuance of the 'Share the Road' license plates

authorized under this Code section, subject to the general appropriations process, it is the intent of the General Assembly that all such funds shall be utilized by the Governor's Highway Safety Program to provide for motorist and bicyclist safety and interaction education and awareness programs and media campaigns; adult and child bicycling safety training, workshops, and educational materials; assistance in forming local bicycle advisory committees; law enforcement education and implementation programs for policing by bicycle and policing to improve bicycling conditions; and 'share the road/yield to bicycles/bicyclists may use full lane' sign installations. The Office of Highway Safety may enter into contractual agreements, as may be appropriate, to further such objectives. The Office of Highway Safety may provide said funds for use as local or minimum matching funds. The agency or organization ultimately making use of such funds shall periodically provide to the commissioner an audit of the use of the funds or other evidence of use of the funds satisfactory to the commissioner. Any audit performed under Chapter 6 of Title 50 shall meet this auditing requirement. If an audit demonstrates that the funds are not being used for the purposes set forth in this Code section or if the required audit or evidence is not provided to the commissioner, then the commissioner shall so notify the appropriations committees of the Senate and the House of Representatives. Any funds appropriated pursuant to this Code section shall not lapse.

(2) Subject to the general appropriations process, it is the intent of the General Assembly in the enactment of this Code section that the funds dedicated by this subsection be made available for the ultimate use of the Governor's Highway Safety Program administered by the Office of Highway Safety in the Department of Public Safety.

(f) An applicant may request a NASCAR or 'Share the Road' license plate any time during the applicant's registration period. If such a license plate is to replace a current valid license plate, the NASCAR or 'Share the Road' license plate shall be issued with appropriate decals attached.

(g) No special license plate authorized pursuant to this Code section shall be issued except upon the receipt of at least 1,000 applications. The special license plates shall have an application period of two years after January 1, 2006, for payment of the manufacturing fee. After such time if the minimum number of applications is not met, the department shall not continue to accept the manufacturing fee, and all fees shall be refunded to applicants.

(h) The department shall not be required to continue to provide the special license plates if the number of active registrations falls below 500 registrations at any time during the period as provided in subsection (b) of Code Section 40-2-31. A current registrant may

continue to renew such special license plate during his or her annual registration period upon payment of an additional \$25.00 annual special tag fee, which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the period as provided in subsection (b) of Code Section 40-2-31, production of the license plates shall not be continued until the commissioner receives 1,000 applications.

(i) NASCAR or 'Share the Road' license plates shall be transferred from one vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80.

(j) NASCAR or 'Share the Road' license plates shall be issued within 30 days of application once the requirements of this Code section have been met.

SECTION 7.

This Act shall become effective on January 1, 2006.

SECTION 8.

All laws and parts of laws in conflict with this Act are repealed.